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UNCLAS SECTION 01 OF 03 ANKARA 004688

SIPDIS

E.O. 12958: N/A

TAGS: [PARM](#) [KCFE](#) [PREL](#) [TU](#) [NATO](#)

SUBJECT: CFE: TURKEY SUBMITS REVISED TEXT INCORPORATING USG SUGGESTED CHANGES

REF: A. STATE 118875

[B](#). ANKARA 2831

[1](#)1. This is an action request. Post received via Diplomatic Note on Aug. 4 Turkey's latest proposed text for a CFE Host Country Agreement for implementing Treaty inspections. The proposed text appears to replicate the draft protocol text contained in reftel A, including the Article IV changes proposed by Turkey (ref b) -- with the exception of the final paragraph under Article IV regarding US mission concurrence. Action Request: Post requests Department confirmation of the acceptability of this text. Once received, post will notify the MFA of USG concurrence via a Dip Note containing the full text of the agreement. End action request.

[1](#)2. Begin Text of CFE Protocol Text Contained in Dip Note 6782, received on August 4:

[1](#)I.

In accordance with the CFE Protocol on Inspection the following procedures shall apply whenever the Republic of Turkey receives a notification from an inspecting State Party about the latter State Party's intent to conduct (an) inspection(s) pursuant to Section VII or VIII of the CFE Protocol on Inspection on the territory of the Republic of Turkey:

- In accordance with the Section V, paragraph 2 of the CFE Protocol on Inspection, the United States shall provide a liaison team of up to three officials to the escort team of the Republic of Turkey at the time of arrival of the inspection team at the point of entry whenever the notified point of entry is Adana, from which an inspection could be declared for the equipment or facilities.

- If, immediately after arrival at the point of entry an inspection is declared for the covered equipment or facilities, the United States liaison team (hereinafter referred to as "the liaison team") shall accompany the escort team through the duration of the inspection of the covered equipment or facilities. In the case of challenge inspections, should there be any premises utilized by the United States by agreement with the Republic of Turkey other than the declared sites within the specified area, the liaison team will accompany the escort team only during the inspection of such premises. If the inspection site(s) indicated by the inspecting state at the point of entry contain(s) no covered equipment or facilities, the liaison team shall depart to the nearest or most convenient location which contains covered equipment or facilities, and shall be available at such a location until the conclusion of that inspection to ensure the liaison team's continued communication with the escort team. If a sequential inspection is declared by the inspecting state that involves a declared site or a specified area which contains covered equipment or facilities, the escort team leader will inform the U.S. liaison team and accompany it throughout that inspection. The same procedures shall be followed for subsequent sequential inspections.

- If an inspection is declared for the covered equipment or facilities, or in the case of challenge inspections, should there be any premises utilized by the United States by agreement with the Republic of Turkey other than the declared sites within the specified area, the equipment and supplies that the inspecting party brings into the territory of the Republic of Turkey pursuant to Section V, paragraphs 5, 6 and 7 of the CFE Protocol on Inspection, will be examined by the escort team in cooperation with the liaison team prior to the pre-inspection briefing.

- If an inspection is declared for the covered equipment or facilities, or in the case of challenge inspections, when the Republic of Turkey is notified by the inspecting State Party of the location of the inspection site, initial or sequential, or of the specified area, the Republic of Turkey shall immediately inform the United States and, if appropriate, the liaison team of the location of the inspection site or the specified area.

- The United States shall confirm with the Republic of Turkey whether covered equipment or facilities are present within the declared site or the specified area.

- The liaison team shall play no role on the escort team, except as specified elsewhere in this Note, until covered equipment or facilities are encountered during an inspection of a declared site or during an inspection within a specified area.

- The United States shall make all necessary arrangements, in cooperation with the Republic of Turkey for the timely provision of the liaison team in order to avoid undue delay in the commencement of the inspection.

- The liaison team shall be furnished transportation, communications, lodging, meals, work space, and, as necessary, medical care or any other necessary and available assistance by the Republic of Turkey. The United States of America shall bear the expenses for all of the above services furnished by the Republic of Turkey to the liaison team.

II.

During inspections for the covered equipment or facilities:

- The right to refuse or accept challenge inspections within specified areas shall be exercised by the Republic of Turkey.

- The leader of the escort team shall be a representative of the Republic of Turkey.

- Covered equipment or facilities shall not be inspected unless a representative of the United States is present on the escort team. During the inspection of the premises utilized by the United States of America the representatives of the United States will take all necessary measures in accordance with the CFE Protocol on Inspection so that the inspection can be completed in a smooth and expeditious manner. Should the inspection team split into sub-teams, the leader of the escort team may require the presence of a member of the liaison team in each sub-team.

- The liaison team shall exercise the rights and obligations set forth in Section II, paragraph 4 of the CFE Protocol on Inspection of the inspected State Party with respect to application to the covered equipment or facilities of provisions such as the designation of sensitive points, shrouding, and other access control provisions specified in the CFE Protocol on Inspection. If an inspection is declared for such structures and premises, or in the case of challenge inspections, should there be such structures and premises within the specified area, the members of the liaison will inform the leader of the escort team at least 2 hours in advance of the pre-inspection briefing whether any sensitive points may be encountered during the inspection. As soon as the United States liaison officer is aware of an intention to inspect a location that includes a sensitive point, he will inform the respective Turkish sub-team leader of the sensitive point. The designation of a sensitive point will be made by the leader of the respective escort team at the point in time access is requested by the inspection team. Additionally, any ambiguity arising between the inspection team and the escort team concerning the applicability of the principles of the CFE Treaty shall be dealt with by the escort team leader of the Republic of Turkey. If such ambiguity is related to the applicability of the CFE Treaty to covered equipment or facilities, communications regarding the clarification of such ambiguity shall be conveyed to the inspection team by the escort team leader of the Republic of Turkey in cooperation with the senior member of the liaison team.

- The United States shall provide the Republic of Turkey with appropriate information for the preparation of site diagrams for the covered equipment or facilities. In addition, the representatives of the United States shall provide the leader of the escort team with updated information in line with the CFE Protocol on Notification and Exchange of Information, on the conventional armaments and equipment subject to the CFE Treaty which are present at the inspection site, or located within the specified area in the case of challenge inspections, at least 2 hours in advance of the pre-inspection briefing.

- The Republic of Turkey shall provide the liaison team a copy of the site diagram in advance of the inspection to facilitate preparation by the armed forces of the United States for the inspection. Pre-inspection briefings, if any, shall be presented by the representatives from the Republic of Turkey. Members of the liaison team shall be present at the pre-inspection briefing to answer any questions which might arise concerning covered equipment or facilities at the inspection site or located within the specified area, in the case of challenge inspections.

- The language used during the inspection shall be English, as notified by the Republic of Turkey. The Republic of Turkey shall be responsible for providing or arranging for all services described in section V, paragraph 8, of the CFE

Protocol on Inspections.

III.

Amendments to the above procedures may be made at any time by mutual agreement of the Parties.

IV.

If the aforementioned proposal is acceptable, the Ministry of Foreign Affairs of the Republic of Turkey further proposes that this Note, together with the reply of the Embassy of the United States of America to that effect and the procedures set out above shall apply exclusively to inspections conducted for the covered equipment or facilities on the territory of the Republic of Turkey in accordance with the CFE Protocol on Inspection and shall constitute an agreement between the two Governments which shall enter into force on the date of the later of the notes by which the parties inform each other that the legal requirements necessary for entry into force have been completed and shall remain in force so long as the covered equipment or facilities shall be located in the territory of the Republic of Turkey.

[V.](#)

The provisions of this Note and the reply of the Embassy of the United States of America, which shall constitute an agreement are without prejudice to the CFE and CFE Protocol on Inspection.

End Text.
MCELDOWNEY